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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/714,857 | 11/16/2000 | William L. Jansen | 44439.1.8.1 | 5894 |
| 7590 03/23/2006 | | | EXAMINER | |
| R Lewis Gable | | | VAN BRAMER, JOHN W | |
| Cowan Liebowitz & Latman PC 1133 Avenue of the Americas New York, NY 10036-6799 | | | ART UNIT | PAPER NUMBER |
| | | | 3622 | |
| | | | DATE MAILED: 03/23/2006 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | | | | |
|---|---|--|--|--|--|--|
| • | 09/714,857 | JANSEN ET AL. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | John Van Bramer | 3622 | | | | |
| The MAILING DATE of this communication | on appears on the cover sheet wit | h the correspondence address | | | | |
| Period for Reply | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR WHICHEVER IS LONGER, FROM THE MAIL. - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communical. If NO period for reply is specified above, the maximum statutor. - Failure to reply within the set or extended period for reply will, the Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b). | ING DATE OF THIS COMMUNIC CFR 1.136(a). In no event, however, may a re ation. In period will apply and will expire SIX (6) MONT by statute, cause the application to become ABA | CATION. Apply be timely filed CHS from the mailing date of this communication. ANDONED (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed or | n <u>12 January 2006</u> . | | | | | |
| 2a) This action is FINAL . 2b) | • | | | | | |
| 3) Since this application is in condition for a | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | |
| closed in accordance with the practice u | nder <i>Ex parte Quayle</i> , 1935 C.D. | . 11, 453 O.G. 213. | | | | |
| Disposition of Claims | | | | | | |
| 4)⊠ Claim(s) <u>1,8,14,15,18,20,22,23 and 25-37</u> is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6) Claim(s) 1,8,14,15,18,20,22,23 and 25-3 | 6) Claim(s) <u>1,8,14,15,18,20,22,23 and 25-37</u> is/are rejected. | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8) Claim(s) are subject to restriction | and/or election requirement. | | | | | |
| Application Papers | | | | | | |
| 9) The specification is objected to by the Ex | kaminer. | | | | | |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. | | | | | | |
| Applicant may not request that any objection | to the drawing(s) be held in abeyand | ce. See 37 CFR 1.85(a). | | | | |
| Replacement drawing sheet(s) including the | | | | | | |
| 11)☐ The oath or declaration is objected to by | the Examiner. Note the attached | Office Action or form PTO-152. | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for factor of the priority document is all boll some * c) None of: 1. Certified copies of the priority document of the certified copies of the certified copies of the priority document of | uments have been received. uments have been received in Ap ne priority documents have been in Bureau (PCT Rule 17.2(a)). | oplication No received in this National Stage | | | | |
| Attachment(s) 1) Notice of References Cited (PTO-892) | | ummary (PTO-413) | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-S) 3) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date | |)/Mail Date formal Patent Application (PTO-152) | | | | |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 12, 2006 has been entered.

Response to Amendment

2. The amendment filed on January 12, 2006 has been considered but is ineffective to overcome the Postrel (U.S. Patent Number: 6,594,640) reference. The amendment cancelled claims 2-7, 9-13,16, 17, 19, 21, and 24. The amendment added claims 33-37 and amended claims 1, 8, 14, 15, 18, 20, 22, 23, 25, 27, 28, and 30-32. The currently pending claims considered below are Claims 1, 8, 14, 15, 18, 20, 22, 23, and 25 – 37.

Claim Objections

3. The amendment filed on January 12, 2006 corrected the minor deficiencies in Claim 14 as objected to in paragraph 4 of the July 20, 2005 Office Action.
Therefore, the Examiner hereby withdraws that objection.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1, 8, 14, 15,18, 20, 22, 23, and 25-37 are rejected under 35 U.S.C. 102(b) as being anticipated by <u>Postrel</u> (6,594,640).
 - Claim 1: <u>Postrel</u> discloses a computerized method of tracking and using first and second point-to-credit conversion rates to convert respectively a user's first and second loyalty program award points to system-wide credits, said method comprising the steps of
 - (a) Obtaining the number of loyalty program award points awarded to a user under the first and second loyalty programs, the first loyalty program points differing in value from the second loyalty program points; (Col 1, lines 14 29 and Col 3, lines 30 40 and 58 60)
 - (b) Using the first and second point-to-credit conversion rates to convert respectively the user's first and second loyalty program award points into system-wide credits, each of the system-wide credits being of a common value; (Col 3, lines 30 – 40; Col 9, lines 10 – 12; and Col 10, lines 18 – 20)
 - (c) Providing to the user on-line access to at least one vendor that provides discounts for its products and/or services based on the number of systemwide credits that a user has; (Col 7, lines 1 − 41)

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- (d) Enabling the vendor to determine for each of its products and/or services the number of system-wide credits required for the user to select and acquire the selected one of the vendor's products and/or services, and the amount of the discount off of the price of the selected one of the products or services; (Col 7, lines 1 – 41) and
- (e) Enabling the vendor to apply the discount to the price of one of the products or services selected by the user if the user has accumulated at least the number of system-wide credits set by the vendor. (Col 7, lines 1 41)

Claim 8: <u>Postrel</u> discloses the method of claim 1 further comprising the step of updating the number of the user's system-wide credits after the purchase of a product and/or service by the user. (Col 6, lines 1 – 52 and Col 7, lines 25 – 41).

Claim 14: <u>Postrel</u> discloses the method of claim 1 further including the step of displaying the current number of the user's system-wide credits to the user. ((Col 8, line 65 through Col 9, line 1)

Claim 15: <u>Postrel</u> discloses the method of claim 1 further comprising the steps of updating the number of the points of at least one of the user's first and second loyalty programs. (Col 7, lines 25 – 41)

Claim 18: <u>Postrel</u> discloses the method of claim 33 including the further steps of providing the information regarding the products and/or services for sale to the user

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via communication with the one vendor of the products or services. (Col 7, lines 1 – 10)

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Claim 20: <u>Postrel</u> discloses the method of claim 33 including the further step of allowing the user to register with at least one of the plurality of loyalty programs as a member via an on-line registration form. (Col 6, lines 10 – 12 and Col 8 lines 4 – 26)

Claim 22: <u>Postrel</u> discloses the method of claim 33 wherein the step of converting the user's award points into the system-wide credits comprises calculating from the user's award points in each of the first and second loyalty programs a proportionate number of the system-wide credits (conversion rate) (Col 9, lines 9 - 12 and Col 10, lines 18 - 20).

Claim 23: <u>Postrel</u> discloses a compúterized system for managing a plurality of loyalty programs utilizing the internet to accumulate the award points issued by the plurality of loyalty programs and to redeem the award points for items as selected by a user, the award points of at least one of the plurality of loyalty programs differing in value from the award points of another loyalty program of the plurality, said system comprising:

(a) Means for converting the user's award points issued by the plurality of loyalty programs into system-wise credit, each credit being of a common value;

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(common credits) (Col 3, lines 30 - 40; Col 9, lines 10 - 12; and Col 10, lines 18 - 20)

- (b) A credits database for storing the balance of each of the system-wide credits for each user associated with at least one of the plurality of loyalty programs; (reward exchange account) (Col 6, lines 1 − 52)
- (c) A first interactive communication means connected to said credits database; (Figure 5, and Col 5, lines 3 60)
- (d) A second interactive communication means connected to at least one of a plurality of vendors of items offered to the user to enable the user to select at least one of the items; (Figure 5 and Col 5, lines 3 60) and
- (e) Means for enabling the one vendor to access via said first interactive communication means at least one of the balances of the system-wide credits stored in said credits database, whereby the *one* vendor can control the number of the one user's balance of system-wide credits that is required to enable a transaction involving the acquiring of selected items offered to the one user. (Col 5, lines 3 60)

Claim 25: <u>Postrel</u> discloses the computerized system of claim 23 further comprising a plurality of interactive communication means connected to at least one of the plurality of vendors for distributing to the user the items offered for exchange by the one vendor. (Col 5, lines 3 – 50)

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Claim 26: <u>Postrel</u> discloses the computerized method of claim 1, wherein the user is enabled to receive loyalty program award points from a selected one of the plurality of loyalty programs. (Col 7, lines 45 – 61)

Claim 27: <u>Postrel</u> discloses the computerized system of claim 23, wherein there is included means for enabling the user to select the number of system-wide credits from each of the loyalty programs and to redeem the items as selected by the user. (Col 7, line 1 through Col 8, line 3)

Claim 28: <u>Postrel</u> discloses the computerized system of claim 23, wherein there is included a plurality of loyalty program databases, each database associated with a corresponding one of the plurality of loyalty programs and includes a plurality of files, each file storing a point balance for a corresponding one of the users. (Col 7, line 1 through Col 8, line 3)

Claim 29: <u>Postrel</u> discloses the computerized system of claim 23, wherein the vendor is enabled to determine whether a user's transaction is eligible to be exchanged for system-wide credits. (Col 7, lines 1 – 41)

Claim 30: <u>Postrel</u> discloses the computerized system of claim 23, wherein there is included means for enabling each of the plurality of vendors to determine the

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number of system-wide credits for which an item is eligible to be exchanged. (CoI 7, lines 1-41)

Claim 31: <u>Postrel</u> discloses the computerized system of claim 23, wherein there are means to enable the vendor to determine the number of system-wide credits that are required to achieve a desired discount for the user. (Col 7, lines 1 – 41)

Claim 32: <u>Postrel</u> discloses the computerized system of claim 23, wherein there is included a user terminal for displaying to the user the number of credits needed to satisfy a transaction proposed by the user. (Col 8, line 65 through Col 9, line 1)

Claim 33: <u>Postrel</u> discloses a computerized method of tracking and using first and second points-to-credits conversion rates to convert respectively a user's first and second loyalty points to system-wide credits, each system-wide credit being of a common value, whereby the user can select and request at least one item offered by at least one vendor, said method comprising the steps of

- (a) Obtaining the number of loyalty program award points awarded to a user under each of the first and second loyalty programs, the first loyalty program points differing in value from the second loyalty program points; (Abstract, Figure 5, Col 1, lines 14 29, and Col 3, lines 30 40 and 58 60)
- (b) Using the first and second points-to-credit conversion rates to convert respectively the user's first and second loyalty program award points to

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system-wide credits; (Abstract, Figure 5, Col 1, lines 14 - 29, and Col 3, lines 30 - 40 and 58 - 60)

- (c) Transmitting to the one vendor a request from the user for the one requested item; (Col 7, lines 1 41) and
- (d) Enabling the one vendor in its sole discretion to respond to the item request to determine the amount of a discount from the cost of the requested item independent of the number of system-wide credits accumulated by the user. (Col 7, lines 1 – 41)

Claim 34: <u>Postrel</u> discloses the method of claim 33; further comprising the step of enabling the one vendor to determine for each of its items the predetermined number of system-wide credits required to permission the user to request the corresponding item. (Col 7, lines 1 – 41)

Claim 35: <u>Postrel</u> discloses the method of claim 34, further comprising the step of enabling the one vendor in it sole judgment to set the predetermined number of system-wide credits required to permission the user to request the corresponding item. (Col 7, lines 1-41)

Claim 36: <u>Postrel</u> discloses the method of claim 35, further comprising the step of enabling the vendor to access the number of system-wide credits accumulated by the user and, if the number of system-wide credits accumulated by the user is not

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less than the predetermined number of system-wide credits, permissioning the one vendor to enable the user to transmit to the one vendor the user's request for the corresponding item. (Col 7, lines 1-41)

Claim 37: <u>Postrel</u> discloses the method of claim 36, further comprising the step of applying the predetermined discount to the price of the one item selected by the user. (Col 10, lines 37 – 44)

Response to Arguments

6. Applicant's arguments filed January 12, 2006 have been fully considered but they are not persuasive. The applicant argues that Postrel does not teach the use of first and second loyalty programs of different values as well as system wide credits. However, as recited in the previous office action, both of these features are disclosed in the Postrel Patent. The abstract of the Postrel patent indicates that "a user earns reward points from a plurality of independent reward points issuing entities". This is the first indication in the teachings of Postrel that there are "first and second loyalty programs of different values". Since these reward point issuing entities are all independent, they develop their own reward point systems and as a result the reward points in each independent entity will have different values. In regards to the assertion that there is no disclosure of system wide credits in the teaching of Postrel, the abstract in combination with Figure 5 directly teach such subject matter. Postrel states in the abstract that "On selective request by the user, a trading server accumulates some or all of the user's earned reward points from the

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reward servers and credits the accumulated points into a single reward exchange account associated with the user" and Figure 5 discloses that the system uses both "Merchant Conversion Rates" and "Reward Server Conversion Rates". Therefore, someone who merely reads the abstract and glances at the figures provided in the teachings of <u>Postrel</u> would understand that there are a plurality of different loyalty programs that each operate independently. Additionally, they would learn that the points earned in each of these independent loyalty programs could be converted into system wide credits that can be later converted into loyalty points specific to any participating program.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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